



**US Army Corps
of Engineers**

Omaha District

PUBLIC NOTICE

Application No: 2004-90-563

Applicant: Robert Hazeltine and Kevin Knight

Waterway: Unnamed ditch off the Corvallis Canal

Issue Date: December 21, 2004

Expiration Date: January 11, 2005

21 DAY NOTICE

Helena Regulatory Office

10 West 15th Street, Suite 2200

Helena, Montana 59626

**JOINT PUBLIC NOTICE
FOR PERMIT APPLICATION SUBMITTED TO
U.S. ARMY CORPS OF ENGINEERS
AND
MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY**

The application of Mr. Robert Hazeltine and Mr. Kevin Knight, for approval of plans and issuance of a permit under authority of the Secretary of the Army is being considered by the District Engineer, U.S. Army Corps of Engineers, Omaha, Nebraska. **The project described herein is not being proposed by the Corps, but by the applicant; the Corps will evaluate the proposed work to determine if it is permissible under current laws and regulations.**

Description of Proposed Project: The applicant requests permission to place fill material in an unnamed lateral off the Corvallis Canal. The ditch will be placed in a 12-inch diameter pipe along approximately 400 linear feet, and .61 acre of emergent wetlands associated with the ditch will be filled. The pipe will be connected to an existing control structure on a neighboring parcel to the northwest. Drawings showing the location and extent of the project are attached to this notice.

Location: The proposed activity is located in the SE1/4, NE1/4, SE1/4 of Section 13, Township 6 North, Range 21 West, Ravalli County, Montana. The physical address of the property is 365 Old Corvallis Road in Hamilton.

Purpose: The purpose of the proposed project is to prepare the lot for commercial development.

Background: A wetland delineation was conducted in August of 2004, according to the routine method described in the Corps of Engineers 1987 Wetland Delineation Manual. Approximately .61 acre of wetland was delineated on the two adjoining properties. The dominant vegetation consists of sedges, rushes, reed canary grass, willow and cattails. The source of hydrology supporting the wetland is the lateral ditch. A headgate off the lateral controls water flowing into the applicants' property. The headgate can be closed to keep flow in the existing ditch, so that it bypasses the site to allow work in the dry.

The applicants have submitted a preliminary mitigation plan to offset the .61 acre wetland loss. The mitigation site is located on land near Hamilton that is currently co-owned by Mr. Knight, in the NE1/4, NE1/4 of Section 3, Township 5 North, Range 21 West, Ravalli County, Montana. The mitigation site is near Sawtooth Creek, which flows into the Bitterroot River. The proposed mitigation involves the creation of .9 acre of emergent wetland with an open water component. The source of hydrology for the mitigation wetlands would be an existing ditch, and elevated groundwater. The site is currently used for hay production. Details of the preliminary mitigation plan can be viewed at the Helena Regulatory Office, by calling 406-441-1375 at least 24 hours in advance.

401 Water Quality Certification: The Montana Department of Environmental Quality, 1520 East 6th Avenue, PO Box 200901, Helena, Montana 59620-0901, will review the proposed project with the intent to certify in accordance with the provisions of Section 401 of the Clean Water Act. The certification, if issued, will express the State's opinion that the operations undertaken by the applicant will not result in a violation of applicable water quality standards. The Montana Department of Environmental Quality hereby incorporates this public notice as its own public notice and procedures by reference thereto.

Cultural Resources: The Corps of Engineers, Omaha District will comply with the National Historic Preservation Act of 1966, as amended. We have checked the National Register of Historic Places and its current supplements, and there are 29 known National Register sites in the Hamilton vicinity; however, it is not known at this time if any will be affected by the proposed work. We will evaluate input by the State Historic Preservation Office and the public in response to this public notice, and we may conduct or require a reconnaissance survey of the permit area to check for unknown historic or prehistoric properties, if warranted.

Threatened / Endangered Species: In compliance with the Endangered Species Act, a preliminary determination has been made that the described work will not affect species designated as threatened or endangered, or adversely affect critical habitat. In order to complete our evaluation of this activity, comments are solicited from the U.S. Fish and Wildlife Service and other interested agencies and individuals.

Evaluation Factors: The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposed activity must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people. In addition, the evaluation of the impact of work on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act (40 C.F.R.; Part 230).

Comments: The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity. All public notice comments will be considered public information and will be subject to review by the applicant.

Any person may request, in writing and within the comment period specified in this notice, that a public hearing be held for the purpose of gathering additional information. Requests for public hearings must be identified as such and shall state specifically the reasons for holding a public hearing and what additional information would be obtained. The request must be submitted to the U.S. Army Corps of Engineers, 10 West 15th Street, Suite 2200, Helena, Montana 59626. If it is decided that additional information is

required and that a public hearing should be held, interested parties will be notified of the date, time and location.

Any interested party (particularly officials of any town, city, county, state, or Federal agency; Indian tribe; or local association whose interests may be affected by the work) is invited to submit to this office written facts, arguments, or objections on or before the expiration date listed on the front of this notice. Any agency or individual having an objection to the work should specifically identify it as an objection with clear and specific reasons. Comments, both favorable and unfavorable, will be accepted, made a part of the record and will receive full consideration in subsequent actions on this application. All replies to the public notice should be addressed to the **U.S. Army Corps of Engineers, 10 West 15th Street, Suite 2200, Helena, Montana 59626. Please reference the Application Number found on the first page of this notice in any correspondence.** Jean Ramer (project manager), telephone number (406) 441-1375, may be contacted for additional information. You may also fax your comments to (406) 441-1380, or email to: **Jean.L.Ramer@usace.army.mil**

Comments postmarked after the expiration date of this public notice will not be considered.

Statutory Authorities: A permit, if issued, will be under the provisions of Section 404 of the Clean Water Act.